

### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3, 9, and 16-21 are pending in the present application. Claims 1-3 and 9 are amended, Claims 4-8 and 10-15 are canceled, and Claims 16-21 are added by way of the present amendment.

In the outstanding Office Action, Claims 1-3 were rejected under 35 U.S.C. § 112, first paragraph; and Claims 1-3 and 9-15 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication 2004/0248579 to Fukui et al. (herein "Fukui") in view of U.S. Patent Publication 2002/0071407 to Koo et al. (herein "Koo").

Applicants acknowledge with appreciation the courtesy of Examiner Nguyen to interview this case on June 20, 2007, and discuss the issues in the outstanding Office Action, as substantively summarized hereinafter. Indeed, the Interview Summary Sheet indicated that there was agreement about the changes discussed concerning the art of record.

Regarding the rejection under 35 U.S.C. § 112, first paragraph, Claims 1-3 are amended to remove the term "without the base station being requested to send the retransmission signal," without disclaimer or prejudice, in light of comments in the Office Action. Thus, it is respectfully requested the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Further, Applicants respectfully traverse the rejection of Claims 1-3 under 35 U.S.C. § 103(a) as unpatentable over Fukui in view of Koo, with respect to amended Claims 1-3.

As discussed during the Interview, Claim 1 is directed to a mobile communication system that transmits a digital signal from a base station to a mobile station. The base station includes a signal transmitter configured to transmit, to the mobile station, both the data

signal and at least one retransmission signal of the same data signal, in a different form from the same data signal, within a predetermined period set for transmission of at least one series of the same data signal and the at least one retransmission signal. Further, the retransmission of the same data signal is sent in a separate form in series with the data signal. Independent Claims 2 and 3 include similar features.

In non-limiting embodiments, Applicants' Figure 4 shows an example of the data signal and the retransmissions of the same data signal being sent together, in the same predetermined time period, with the retransmission of the data signals being sent in a separate form in series with the data signal. In this example, and as seen in Figure 3, the base station includes a signal transmitting unit, which is configured to transmit the data signals and retransmission signals of the data signals to the mobile station within a predetermined period. The signal transmitting unit may transmit each of the retransmission signals a<sub>1</sub> to a<sub>3</sub> in a different form from that of the data signal a within a predetermined period A.<sup>1</sup>

Applicants respectfully submit that Fukui and Koo fail to disclose or suggest the transmission of both the data signal and at least one retransmission signal of the same data signal, within a predetermined time period set for transmission of at least one series of the data signal and the at least one retransmission signal.

Fukui describes a method of reassigning communication channels in a communication system. According to Fukui, a transmitting station (e.g., a base station) assigns a channel to a receiving station A (e.g., a mobile station) and transmits frames A0-A11 to the base station.<sup>2</sup> When a receiving error occurs in a frame A6, the mobile station sends a NAK signal to the base station requesting retransmission of frame A6, and upon receipt of the NAK signal, the

---

<sup>1</sup> See specification, page 6, line 23-24, for a discussion of one example of the data signal a and the retransmission signal a<sub>1</sub>, a<sub>2</sub>, and a<sub>3</sub>.

<sup>2</sup> Fukui at paragraph [0078].

base station retransmits frame A6.<sup>3</sup> Thus, according to Fukui, each of the data signals is sent within separate time periods. Upon receipt of the NAK signal, the same data is retransmitted in a second time period. This differs from present Claim 1 in that separate time periods are used to send the data signal and the retransmission of the same data signal in Fukui. Further, Fukui does not support data being sent in a separate form in series with the data signal.

Koo describes a conventional approach in which a user equipment UE (e.g., a mobile station) receives an initial transmission from a node B (e.g., a base station). According to Koo, a retransmission request for a retransmission signal may be sent from a mobile station to the base station when the UE sends a retransmission request to node B.<sup>4</sup> As with Fukui, Koo similarly discloses the use of a NAK to determine whether or not the initial data needs to be rebroadcast. While Koo does change the form of the initial data, Koo sends the reformatted, retransmitted data separate from the data signal and on a different channel. Therefore, even a combination of Fukui and Koo would fail to disclose or suggest a predetermined time period in which a series including both the data signal and the at least one retransmission signal (in a different form) are broadcast from the base station.

Thus, Fukui and Koo fail to disclose or suggest the transmission of both the data signal and at least one retransmission signal of the same data signal, within a predetermined time period set for transmission of at least one series of the data signal and the at least one retransmission signal.

Accordingly, given the agreement reached during the Interview, Applicants respectfully submit that independent Claims 1-3, and claims depending therefrom, overcome the art of record.

---

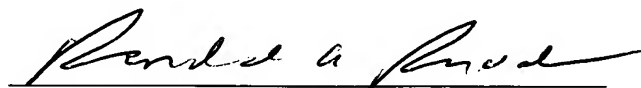
<sup>3</sup> Fukui at paragraphs [0078]-[0079].

<sup>4</sup> Koo at Figure 1 and paragraph [0004].

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Ronald A. Rudder  
Registration No. 45,618